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JUN 13 2006

OFFICE OF PETITIONS

In re Application of	:
Tomida et al.	: VACATED AND CORRECTED
Application No. 09/284,244	: DECISION ON PETITION
Filed: April 14, 1999	:
Title: Data Processing Method of FM Multiplex	:
Broadcasting Receiver	:

This decision vacates the decision mailed on February 2, 2006 on the petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **GRANTED**.

This above-identified application was held abandoned for failure to timely file a response to a non-final Office Action which was mailed on February 28, 2001. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on May 29, 2001. A Notice of Abandonment was mailed on October 2, 2001.

Petitioner asserts that a reply to the non-final Office Action was timely submitted on May 29, 2001.¹ As evidence, petitioner has submitted a copy of a return postcard date stamped by the Office acknowledging receipt of the reply. The post card receipt serves as prima facie evidence that a reply to the Office Action was received in the Office. Additionally, petitioner has supplied a copy of the previously mailed amendment and drawings.

A terminal disclaimer is not required.

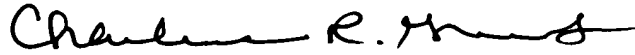
The Notice of Abandonment is hereby **vacated** and the holding of abandonment is **withdrawn**.

This application is being forwarded to the Art Unit 2673 for further processing of the

¹It is noted May 28, 2001 was a federal holiday. Accordingly a reply on May 29, 2001 would be considered timely.

amendment and replacement drawings submitted with the petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with the first name "Charlema" being more prominent and followed by "R. Grant".

Charlema R. Grant
Petitions Attorney
Office of Petitions